IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.6056 OF 2005
IN
FIRST APPEAL NO. 2485 OF 2005

Ichalkaranji Municipal Council ...Appellant
Vs.
Shri Sayaji Laxmanrao Ghorpade & Anr. ...Respondents

Mr. T. S. Ingale for the Appellant.
Mr K.K. Tated, A.G.P. for the Respondent Nos.2 and 3.

CORAM : A. S. OKA, J.
DATE : MARCH 08, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Appellant and the learned A.G.P. for the Respondent Nos.2 and 3.

2. The Judgment and Award impugned in the First Appeal has been passed under section 18 of the Land Acquisition Act, 1894. The impugned Judgment and Award cannot be stayed unless the entire amount due and payable under the Award is deposited by the Appellant.

3. There will be interim relief in terms of prayer clause (a) subject to the condition that the Applicant will deposit the entire amount due and payable as per the impugned Judgment and Award in the reference Court within twelve weeks from today.

4. If the amount is not deposited within the

stipulated period, stay granted will stand vacated automatically.

5. If the amount is deposited, the original claimant will be entitled to withdraw the same on furnishing security to the satisfaction of the reference Court. The reference Court will hear the Applicant before passing order of acceptance of security.

6. Civil Application is disposed of in above terms.

7. As this order is passed without notice to the Respondents, they will be at liberty to apply for modification of this order.

JUDGE